

26.09.2023
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 1589 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Kaliachak Police Station Case No.26 of 2023 dated 05.01.2023 under Sections 21(c)/27A/29 of the NDPS Act. (NDPS Case No.05 of 2023)

And

In Re: ***Najrul Sk. @ Najrul Sekh***

... .. Petitioner

Md. Wasim Akram

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than 200 days. It is further submitted charge has not yet been framed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits due to abscondence of co-accused charge could not be framed.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics above commercial quantity from the petitioner. He was arrested from the spot. Delay in the matter was due to abscondence of co-accused. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

